

## REMARKS

This responds to the Office Action dated December 17, 2010.

Claims 1, 13, 15, and 27 are amended, no claims are canceled, and no claims are added; as a result, claims 1-28 remain pending in this application.

### The Rejection of Claims Under § 112

Claims 1-28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.<sup>1</sup> More specifically, the Office Action asserts that the limitation “the provision of the first validity indication” lacks antecedent basis.<sup>2</sup>

In response, claims 1 and 15 are amended herein to restate the limitation at “the *providing* of the first validity indication,” thus referring back to the limitation “providing the first validity indication...” appearing earlier in the same claim. In view of these amendments, Applicants submit that amended claims 1 and 15 particularly point out and distinctly claim the subject matter recited therein, and respectfully request withdrawal of the 35 U.S.C. § 112 rejection.

### The Rejection of Claims Under § 102

Claims 1-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by Matheson (USPN 6,944,514).<sup>3</sup>

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.<sup>4</sup> It is not enough, however, that the reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*”<sup>5</sup>

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<sup>1</sup> Office Action at 2.

<sup>2</sup> Id.

<sup>3</sup> Office Action at 3.

<sup>4</sup> *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991).

<sup>5</sup> *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Amended claim 1 recites, in part, “defining, at a computer, a change order comprising instructions to implement the change to the product structure, implementation of the change being dependent upon a first validity indication and a second validity indication, … the first validity indication to indicate that the change is implementable for the first organizational view, and … the second validity indication to indicate that the change is implementable for the second organizational view ....” Support for the current amendments to claim 1 is provided at least at page 7, line 26, to page 8, line 6, of the present application. These amendments clarify that the implementation of the change for each organizational view is dependent on an associated validity indication.

Claim 1 further recites that providing the first validity indication and the second validity indication is based on “a defined period when the instructions to implement the change are executable....” Claim 1 also recites that “providing the second validity indication” is based, in part, on “the providing of the first validity indication....” Claim 1 also recites “automatically implementing the change, at the computer, according to the first validity indication for the first organizational view and according to the second validity indication for the second organization view.”

Generally, Matheson discusses a method for “captur[ing] the clear incremental build-up of innovation information including product ideas, alternative designs, questions and answers explored during the innovation process, design decisions, etc.”<sup>6</sup> This innovation information is “in a tool neutral persistent form which allows access to the data by any tool via a publicly defined interface.”<sup>7</sup> To this end, Matheson “includes an Innovation Information Management [IIM] object model which captures and stores various object models containing articles of information and their associated relationships in an object model database.”<sup>8</sup>

The Office Action asserts that Matheson teaches each of the limitations recited in claim 1.<sup>9</sup> For example, the Office Action submits that Matheson teaches that providing the validity indications is based on “a defined time period when the instructions to implement the change are executable” at column 2, lines 51-53.<sup>10</sup> Applicants respectfully disagree. In that passage,

<sup>6</sup> Matheson at col. 2, lines 34-37.

<sup>7</sup> Matheson at col. 2, lines 31-33.

<sup>8</sup> Matheson at col. 2, lines 60-64.

<sup>9</sup> Office Action at 3-5.

<sup>10</sup> Office Action at 4.

Matheson states, “The innovation information object model of the invention assists in tracking the functional ‘as-designed’ aspects of the product. The ‘as-designed’ tracking thus provides a time spectrum from exploring product ideas to the complete and released-for-production product definition.” That statement merely indicates that the Matheson system tracks and provides access to ideas and decisions concerning the initial phases of product development, intentions regarding particular solution alternatives, and other “as-designed” information not normally captured over time as part of the product development process.<sup>11</sup> As a result, Matheson does not teach or suggest “providing a first [or second] validity indication based on … a *defined time period* when the instructions to implement the change are executable,” as set forth in claim 1.<sup>12</sup>

The Office Action also asserts that Matheson teaches “automatically implementing the change, at the computer, according to the first validity indication for the first organizational view and according to the second validity indication for the second organizational view” at column 7, lines 7-10, and at column 8, lines 47-57.<sup>13</sup> Again, Applicants respectfully disagree. The first cited passage of Matheson describes “a ProductRequirementDecision interface 215 [that] allows the tracking of questions, answers, and resulting decisions related to the product requirements.” The second cited passage indicates that “[t]he methods by which certain IIM data is captured varies according to the type of data captured.”<sup>14</sup> The examples cited in Matheson are data manually entered by a user via a user interface dialog, and data created automatically by an application, such as a “Creation Time” or “Last Modified Date.”<sup>15</sup> However, none of the Matheson disclosure teaches “automatically implementing the change, at the computer, *according to the first validity indication for the first organizational view and according to the second validity indication for the second organizational view*,” as recited in claim 1, as Matheson does not indicate that a change to a product structure for separate organizational views may depend on separate validity indications.

The Office Action further asserts that Matheson teaches “providing the second validity indication based on … the providing of the first validity indication” at column 5, lines 39-41, which states, “A Regulatory Constraint object encapsulates a constraint that is placed on the

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<sup>11</sup> See Matheson at col. 1, lines 41-65.

<sup>12</sup> Emphasis supplied.

<sup>13</sup> Office Action at 5.

<sup>14</sup> Matheson at column 8, lines 47 and 48.

<sup>15</sup> Matheson at column 8, lines 48-57.

product that is outside the control of the designers. For example, the communication bands defined by the FCC would be a regulatory constraint for communication products.<sup>16</sup> Applicants respectfully disagree. The disclosure in Matheson of an object that specifies regulatory constraints for product designers does not teach or suggest that “providing the second validity indication” for a second organizational view is based, in part, on the providing of the first validity indication” for the first organizational view for a change to a product structure.

Thus, based on at least the foregoing discussion, Applicants submit that claim 1 is allowable in view of Matheson, and respectfully request allowance of claim 1.

Amended independent claim 15 incorporates limitations similar to those of claim 1. The Office Action rejects claim 15 using the same rationale employed in rejecting claim 1.<sup>17</sup> Thus, Applicants submit that claim 15 is allowable for at least the same reasons as those presented above in support of claim 1, and respectfully request allowance of claim 15.

Claims 2-14 depend from independent claim 1, and claims 16-28 depend from independent claim 15, thus incorporating the provisions of their corresponding independent claims. Thus, Applicants submit that claims 2-14 and 16-28 are allowable for at least the reasons presented above in support of claims 1 and 15, and respectfully request allowance of claims 2-14 and 16-28.

Therefore, based on the above remarks, Applicants respectfully request withdrawal of the 35 U.S.C. § 102 rejection.

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<sup>16</sup> Matheson at col. 5, lines 39-43.

<sup>17</sup> Office Action at 8.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. Examiner is invited to telephone the undersigned at (720) 233-8718 to facilitate prosecution of this application.

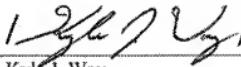
If necessary, please charge any additional fees or deficiencies, or credit any overpayments, to Deposit Account No. 19-0743.

Respectfully submitted,

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Date March 7, 2011

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